

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEMARK, INC.,

Plaintiff,

v.

MASABI LTD.,

Defendant.

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Case No. 2:16-CV-00543-JRG-RSP

ORDER

Before the Court is the Report and Recommendation filed by Magistrate Judge Payne on April 28, 2017, Dkt. No. 58, recommending that Defendant's Motion to Dismiss for Failure to State a Claim, Dkt. No. 39, be denied. No objections have been filed. Accordingly, and after a de novo review, the Report and Recommendation is **ADOPTED**. Defendants' Motion to Dismiss, Dkt. No. 39, is **DENIED**.

So Ordered this

May 17, 2017



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE